

**Government of West Bengal**  
**East Kolkata Wetlands Management Authority**  
Enacted under East Kolkata Wetlands (Conservation and Management) Act, 2006  
Poura Bhavan, 4<sup>th</sup> Floor, Bidhannagar, Kolkata- 700106  
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**ORDER**

No. CTO/EN/ 210/368/2013-14

Date: 30/06/2015

**Reasoned Order issued against application made by Pathfinder Study Group Private Limited to the East Kolkata Wetlands management Authority (EKWMA)**

It had come to the notice of EKWMA that an unauthorized construction of boundary wall was being erected in a part of R.S. Dag No. 657, Mouza Nonadanga, JL no. 10, P.S. Tiljola (presently under P.S. Ananadapur), Dist. 24 Parganas (South) without prior sanction from EKWMA and the said R.S. Dag 657 is classified as “substantially water body oriented area” in Table 6 Schedule I of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and therefore subject to jurisdiction of the EKWMA.

Accordingly a notice vide no CTO/EN/186/108(2)/13 dt. 18/07/2013 was served and FIR was lodged with Tiljola P.S. vide No. CTO/EN/187/108(2)/13 dt. 18/07/2013 and supplementary to the FIR vide letter no. CTO/EN/193/108(2)/13 dt. 22/07/2013 and consequently the police authorities started the case vide no. 604 dt. 24/07/13 u/s 18 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 and submitted charge sheet vide no. 292/13 dt. 07/10/2013 against Debducta Sreemany, S/O-Lt-Sambhu Nath Sreemany and Smt Mukul Sreemany, W/O. Debducta Sreemany all of 96K, S.P.Mukherjee, Kolkata – 700026.

EKWMA received two letters from Pathfinder Study Group Pvt. Ltd on 19/07/2013 & 29/10/2014 seeking permission for change classification / conversion from *Jalabhumis* to *Bastu* at the land referred above for setting up of a school. This office vide letter no. CTO/EN/195/368/13 dt. 23/07/2013 and CTO/EN/322/368/13-14 dt. 28/11/2014 repeatedly informed them that no permanent construction or conversion of land use will be allowed on the said land as per the existing Act and Rules governing the EKW area.

Pathfinder Study Group Private Limited through Sri Debducta Sreemany and Smt Mukul Sreemany, Directors applied in format to the EKWMA (received on 24/12/2014) for permission to change of use of land character from *jalabhumis* to *bastu* for setting up integrated residential school at the RS Dag No. 657, Mouza Nonadanga, JL no. 10, P.S. Tiljola, Dist. 24 Parganas (South).

A hearing notice was issued vide no. CTO/EN/152/346/2012-13 dt. 25/05/2015. The hearing was held on 01/06/2015 at the Conference hall of the Chief Secretary at Nabanna and was attended by the following:

**On behalf of the Pathfinder Study Group Pvt. Ltd:**

1. Smt. Mukul Sreemany, Director
2. Sri Sumanta Biswas, Advocate
3. Sri Malay Adhikari
4. Sri Dibyendu Dey, Assistant
5. Sri Sanjiv Pal, Assistant

For EKWMA:

1. Sri Sanjay Mitra, Chief Secretary and Chairman, EKWMA
2. Sri Chandan Sinha, Principal Secretary, Environment and Member Secretary, EKWMA
3. Smt Bonani Kakkar, Member, EKWMA
4. Swami Pranananda, Member, EKWMA
5. Dr. Dipanjana Maulik, Senior Environment Officer, Environment Department

Sri Sumanta Biswas, Advocate of Pathfinder Study Group Private Limited submitted that:

- The concerned plot measuring 40 cottah in mouza Nonadanga, J.L. No. 10, R.S. Dag No. 657, Khatian No. 179, P.S. Tiljola was mutated to Pathfinder Study Group Private Limited on or about 01/06/2007 with Kolkata Municipal Corporation (KMC). Since then, property tax has been regularly filed to the KMC.
- The said land in question was once requisitioned under the West Bengal Fisheries (Requisition & Acquisition) Act, 1965 in LA Case No. LAXX/47/66-67. However, the Fisheries Department, Govt. of West Bengal had subsequently relinquished possession of the said land in favour of Pathfinder Study Group by order No. 1768/ Fish/C-III/2M-60/2008 dt. 30.07.2009.
- Fisheries Department issued no objection in favour of the Pathfinder Study Group Private Limited for conversion of land from *Beel* to *Bastu* in R.S. Dag No. 657 in R.S. Khatian No. 179, measuring area 40 cottahs in mouza Nonadanga, J.L. No. 10, P.S. Tiljola for any purpose other than pisciculture thereon vide letter no. 2328/Fish/C-III/2M-60/2008 dt. 12/11/2010.
- The Competent Authority constituted under the Urban Land Ceiling and Regulation Act, 1976 mentioned that the land measuring about 2709 sq.mtr in R.S. Dag No. 657, R.S. Khatian No. 179, mouza Nonadanga, J.L. No. 10 has not come under vacant land as per section 2q of the said Act, 1976 vide order No. XVI-UL437/12 dt. 02.08.2012.

The applicants have prayed for granting permission in favour of Pathfinder Study Group Private Limited for permission of change of use of land character from *jalabhumis* to *bastu* for setting up integrated residential school for larger interest of the society.

While considering the application submitted by Pathfinder Study Group Private Limited as well as examining the available records the following points were considered:

- i. The East Kolkata Wetlands (Conservation and Management) Act, 2006 came into force on 16.11.2005. The Wetlands (Conservation and Management) Rules came in 2010. Construction of boundary wall was started around 2013. Construction of boundary wall without prior sanction of the EKWMA the applicant has violated the provisions of the said Act, 2006 and Rules, 2010. *Therefore the construction is unauthorized and illegal.*
- ii. Section 4(1)(vi) of the Wetlands (Conservation and Management) Rules, 2010 prohibits any construction of a permanent nature within the East Kolkata Wetlands, a protected site under RAMSAR convention.
- iii. Even if no objections have been granted by Fisheries Department, and by the Competent Authority constituted under the Urban Land Ceiling and Regulation Act, 1976, the applicant cannot start construction as per section 22 of the East Kolkata Wetlands (Conservation and Management) Act, 2006.

- iv. The proposed G+3 residential school building does not lead to any kind of improvement in the wetland environment. [Section 10(5) of the East Kolkata Wetlands (Conservation and Management) Act, 2006].
- v. The preamble of the East Kolkata Wetlands (Conservation and Management) Act, 2006 mentions that it is "an Act to provide for conservation and management of the East Kolkata wetlands and for matters connected therewith and incidental thereto. Whereas the wetlands act as regulator of water regime, source for underground water recharging ... ".The said project does not facilitate this objective.
- vi. In the 1993 (1) CLJ People United for Better Living in Calcutta (PUBLIC) vs. State of W.B. decision dated 24.9.1992 (which ultimately led to the enactment of the East Kolkata Wetlands (Conservation and Management) Act, 2006) it is recorded that "There shall also be an order of injunction prohibiting the respondents from granting any permission to any person whatsoever for the purpose of changing the use of the land from agricultural to residential or commercial ..... ". The said project is not in compliance with said directive.
- vii. In WP 23860(W) of 2012 in the matter of Splendour Commercial Pvt. Ltd. & Anr. -vs- East Kolkata Wetlands Management Authority & Ors. the Hon'ble High Court of Calcutta vide its order dt. 15.7.2013 has accepted that construction of permanent nature within the wetlands is prohibited under Rule 4(1)(vi) of the wetlands (Conservation and Management) Rules, 2010.

In view of the above the constituted Committee headed by the Chairman, EKWMA after due examination of the case decided that NOC or a sanction order under section 10 of the East Kolkata Wetlands (Conservation and Management) Act, 2006 SHALL NOT BE GRANTED to the applicants, Pathfinder Study Group Private Limited. The decision may be communicated to the applicants with reasons as recorded.

Sd/-  
(Sanjay Mitra)  
Chairperson,  
East Kolkata Wetlands Management Authority